

# **EXHIBIT “C-5”**

1 E. LEWIS - CROSS BY MR. CALLE 811

2 very much, ma'am.

3 THE COURT: Thank you. Watch your step  
4 there.

5 (Witness excused.)

6 MR. FITZPATRICK: People call Joe Fields.

7 COURT ATTENDANT: Right up here, sir, if  
8 you would.

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17 J O S E P H F R A N C I S F I E L D S , called  
18 as a witness on behalf of the People of the State of New  
19 York, having been duly sworn, was examined and testified,  
20 under oath, as follows:

21 DIRECT EXAMINATION BY MR. FITZPATRICK:

22 Q Sir, good afternoon. First of all, thank you for  
23 waiting so patiently. I appreciated that.

24 Would you tell the jury, please, your full name  
25 and where you live?

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2 A Joseph Francis Fields. I live at Ten Macari  
3 Street in Baldwinsville.

4 Q And how old are you, Joe?

5 A Forty.

6 Q Married or single?

7 A Single.

8 Q And what do you do for a living?

9 A I work at a bowling center.

10 Q What do you do there?

11 A I oil lanes, bartend, numerous, numerous other  
12 tasks.

13 Q Okay. You also bowl quite a bit, yourself, in  
14 tournaments?

15 A Yes, I do.

16 Q Have you ever been a professional bowler?

17 A No.

18 Q But you participate in a lot of tournaments in  
19 the northeast?

20 A Yes.

21 Q Joe, where were you living back in March and  
22 April of 1987?

23 A In Cazenovia.

24 Q And what did you do for a living back then?

25 A I originally moved there and I was working at a

1 J. FIELDS - DIRECT BY MR. FITZPATRICK 813

2 bowling center there in Cazenovia, and then I later on  
3 worked part time and also painted as a house painter.

4 Q And were you -- were you dating anybody back in  
5 March and April of 1987?

6 A Yes, I was.

7 Q Who's that?

8 A Kelly Williams -- Kelly Williams Grey.

9 Q And have you subsequently broken up with her?

10 A Yes.

11 Q Now, do you know the defendant in this case,  
12 Hector Rivas?

13 A Yes, I do.

14 Q Do you see Mr. Rivas in the courtroom this  
15 afternoon?

16 A Yes, I do.

17 Q And would you describe what he's wearing for us,  
18 please?

19 A Gray suit with a red tie.

20 Q All right.

21 MR. FITZPATRICK: For the record, the  
22 defendant, Hector Rivas.

23 BY MR. FITZPATRICK:

24 Q How do you know Mr. Rivas?

25 A Uh -- he bowled at the bowling center, and he

1 J. FIELDS - DIRECT BY MR. FITZPATRICK 814  
2 was a patron at the bar. Through softball, he played in the  
3 same league in Cazenovia.  
4 Q How would you characterize, in March and April  
5 of '87, your relationship with Hector Rivas?  
6 A Fine.  
7 Q How long had you known him prior to that time?  
8 A I don't know, maybe a year, I would say.  
9 Q Did you ever have any difficulties with him, any  
10 problems with him?  
11 A Not at all.  
12 Q Were you -- did you know Valerie Hill?  
13 A No, I did not.  
14 Q Were you made aware through news reports of the  
15 fact that Valerie Hill had been murdered in the City of  
16 Syracuse?  
17 A Yes.  
18 Q Did there come a time after that date, Joe, when  
19 you saw the defendant, Hector Rivas, at Albert's Restaurant?  
20 A Yes, there was.  
21 Q Do you remember when that was?  
22 A I would say, approximately a week, two weeks  
23 after he was pulled in.  
24 Q After the murder of Miss Hill?  
25 A Yes.

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2 Q And would you tell us what day of the week it  
3 was, if you remember?

4 A It was a Friday, Friday night.

5 Q Were you with anybody?

6 A I was with my girlfriend, Kelly.

7 Q Kelly Williams?

8 A Yes.

9 Q And what time did you arrive at Albert's?

10 A Approximately 10:30, 11; it was late in the  
11 evening.

12 Q And was it crowded?

13 A Yeah, a little bit. Not real, real crowded, but,  
14 you know, for Albert's, I would say it was a decent crowd,  
15 yeah.

16 Q What's the inside of the bar look like back  
17 in April of '87?

18 A I'm sorry, I didn't hear.

19 Q What did the inside of Albert's bar look like  
20 back in April of '87?

21 A It was an L-shaped bar, and he was at the corner  
22 of the short end of the L.

23 Q You say "he," you mean --

24 A Hector.

25 Q And did you acknowledge him?

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2 A Yes, I did.

3 Q Tell us what happened.

4 A Well, he was drinking and quite drunk, I would  
5 say, and not totally, totally drunk, but, you know, on his  
6 way. And my girlfriend and I come in and we joined him.  
7 And we were at the bar, and we were talking and, of course,  
8 he was -- we got talking about what was going on, and, and  
9 et cetera, and --

10 Q When you say, "about what was going on," were  
11 you discussing Valerie Hill?

12 A Yes.

13 Q Did you make any gesture to him or he make any  
14 gesture to you?

15 A In what manner?

16 Q And did you have any physical contact with  
17 him? Did you shake hands?

18 A Well, yes, yes.

19 Q What did you do?

20 A Well, we were talking, and then he started  
21 crying because he was upset of what was going on. And I  
22 was consoling him. I hugged him and, et cetera, et cetera,  
23 because, you know, I mean, he was -- he was a friend, I  
24 mean, you know.

25 Q Okay. Go ahead. What happened next?

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2 A So, it continued. We talked and he was crying,  
3 and et cetera. And my girlfriend got up to go to the  
4 bathroom, and Hector was in between us, and at that particular  
5 time, I stepped back to let her go by and Hector was like  
6 this (Demonstrating) on the bar, still crying quite, quite a  
7 lot. And I stepped back up to the bar and I was shoulder to  
8 shoulder with him, and I heard him say, "Valerie, Valerie, I  
9 didn't mean to do it."

10 Q Did you acknowledge that he said that?

11 A No, I didn't say a word, but I was quite  
12 shocked.

13 Q Did you notice any change? Did he acknowledge  
14 you?

15 A He, after he picked up his head and he, he  
16 like instantly stopped crying.

17 Q Did he see you when he picked up his head?

18 A Yes, he did.

19 Q Did he say anything to you?

20 A No, he did not.

21 Q How long did you stay there?

22 A I was there for about another half-hour,  
23 forty-five minutes.

24 Q How long did you stay with Mr. Rivas?

25 A Well, he finished. He was around for about

1 J. FIELDS - DIRECT BY MR. FITZPATRICK 818

2 another ten, fifteen minutes, finished his drink, and then  
3 left.

4 Q Did you have any conversation with him during  
5 that ten or fifteen minutes?

6 A No, I did not.

7 Q Did you react to this at all?

8 A No. I, I reacted -- I was dumbfounded, because  
9 at the particular time, to be perfectly honest, I didn't  
10 believe that Hector was guilty.

11 Q Did you tell anyone that night of what you heard  
12 him say?

13 A Yes, I did.

14 Q Who did you?

15 A My girlfriend, Kelly.

16 Q And are you certain that those are the exact  
17 words?

18 A Yes, I am positive.

19 Q All right, Joe. Thanks very much. Sit right  
20 there, if you would.

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22 CROSS-EXAMINATION BY MR. CALLE:

23 Q Good afternoon, Mr. Fields.

24 A How are you?

25 Q Mr. Fields, I didn't get the time that you were

1 J. FIELDS - CROSS BY MR. CALLE 819

2 in this particular restaurant, Albert's?

3 A Approximately 10:30, 11:00, is when we arrived,  
4 yes.

5 Q And what date was that in April, do you have any  
6 idea -- 14th?

7 A It was on a Friday.

8 Q Friday. Friday in April. This was a Friday  
9 night in Albert's Restaurant. Was it crowded?

10 A Fairly.

11 Q What do you mean by "fairly"; were the seats --  
12 most of the seats taken at the bar?

13 A No.

14 Q Is that unusual for Albert's?

15 A Well, they usually have a lull there; it's  
16 usually real crowded early evening, then they have a lull,  
17 and then right around midnight it picks right back up again.

18 Q So at this time, Hector Rivas is on the small  
19 side of the L?

20 A Yes.

21 Q And how many stools are there, if you recall?

22 A How many stools?

23 Q Are there stools by the bar?

24 A Sure.

25 Q And how many are there on the small side of the L?

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2 A Three, four.

3 Q And Hector was by his lonesome?

4 A Yes, he was.

5 Q And how many drinks did you see Mr. Rivas finish?

6 A I would say three or four, but he had been  
7 drinking before I got there.

8 Q Well, you know that for a fact he had been  
9 drinking before you got there?

10 A I would -- yeah, I would definitely say that.

11 Q You know where he was drinking?

12 A No.

13 Q Do you know what he had to drink?

14 A I would say he was drinking rum and coke.

15 Q You don't have that knowledge by your  
16 observations, do you, sir?

17 A Well, not by my observations, but force of  
18 habit, because I am a bartender and I know what he'd drink.

19 Q You bartend?

20 A Yes.

21 Q Where is that?

22 A I used to be the bartender at Cazenovia -- the  
23 bowling alley.

24 Q At the bowling alley?

25 A Yup.

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2 Q Okay. Did you ever bartend at Albert's?

3 A No, I did not.

4 Q So you're telling this Court that you are  
5 convinced that Mr. Rivas was drinking rum and cokes before  
6 you got in the bar, and saw him for the first time that  
7 evening, correct?

8 A Mm-hmm -- oh, yes, I'm sorry.

9 THE COURT: You have to say yes or no.

10 A Yes. I'm sorry.

11 Q Did he tell you he was drinking three or four  
12 rum and cokes before you got there?

13 A He didn't -- he didn't tell me that. I said he  
14 had three or four drinks while we were there, and they were  
15 rum and cokes.

16 Q But you said that he had drinks before you got  
17 there, correct?

18 A Obviously when I come in, he had -- he had  
19 already had a drink.

20 Q Okay.

21 A And --

22 Q And you said he was drinking other drinks  
23 before you got there?

24 A Yes.

25 Q And you say you know that because you've seen

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2 Mr. Rivas drink in other areas where you were bartending,  
3 correct?

4 A Mm-hmm. Yes.

5 Q Would it be fair to say that whatever Mr. Rivas  
6 drinks on other occasions has nothing to do with what he was  
7 drinking that evening?

8 A No.

9 Q It wouldn't be fair to say that?

10 A Oh, yes, it would. I'm sorry.

11 Q Now, did your girlfriend hear Mr. Rivas say,  
12 "Val, Val, I didn't mean to do it"?

13 A No, she did not.

14 Q And this was after Val had been buried?

15 A Pardon me?

16 Q This is after Valerie Hill had been buried?

17 A Uh, yes.

18 Q And you're certain that these were the exact  
19 words?

20 A I'm absolutely positive.

21 Q And he didn't say, "Val, Val, I didn't mean to  
22 kill you"?

23 A No, he did not.

24 Q He didn't say, "Val, Val, I didn't mean to  
25 assault you," did he?

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2 A No, he did not.

3 Q And you took these words as important, did you  
4 not, sir?

5 A I did.

6 Q And this was, the importance you gave this, would  
7 you say it was based upon the same knowledge of your  
8 clairvoyancy in knowing how much he drank before you got  
9 there?

10 A I don't know. I don't understand the question,  
11 I guess.

12 Q Now, you said that you knew Hector before this  
13 April occasion of '87?

14 A Yes, I did.

15 Q And you did not believe that Hector was guilty,  
16 according to -- as to what you said here today?

17 A That's correct.

18 Q Do you know if anyone else was in earshot of  
19 this particular statement that Mr. Rivas allegedly made?

20 A I don't believe so.

21 Q Do you know where the bartender was, in relation  
22 to Hector Rivas and yourself?

23 A No.

24 Q You don't know for a fact that Hector did not  
25 know you were there, do you?

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2 A That I what?

3 Q I'll withdraw that question and see if I can  
4 restate it another way.

5 You mentioned that, in fact, your girlfriend  
6 got up to use the restroom?

7 A That's correct.

8 Q And you, you got up to help her move away from  
9 the bar, so to speak?

10 A Yes, yes.

11 Q And your girlfriend left?

12 A Yes, she went to the bathroom.

13 Q And you remained?

14 A Pardon me?

15 Q You remained?

16 A Yes, I did.

17 Q So you don't know if Hector knew you were there  
18 or not, do you?

19 A No.

20 Q I have nothing further. Thank you.

21 REDIRECT EXAMINATION BY MR. FITZPATRICK:

22 Q Mr. Fields, I don't know if this really needs  
23 clarification, but I'll do it anyway. When you got there,  
24 before you had seen Mr. Rivas have anything to drink, it was  
25 your judgment as a bartender for a number of years, and seeing people that had

1 J. FIELDS - CROSS BY MR. CALLE 825

2 been drinking, that he was intoxicated?

3 A Yes.

4 Q And you had served him rum and cokes in the  
5 past?

6 A Yes.

7 Q All right. Thank you.

8 THE COURT: You can step down, Mr. Fields.

9 Thanks. Thanks.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 MR. FITZPATRICK: Kelly Williams.

13 THE COURT: Step right up here, ma'am.

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19 K E L L Y W I L L I A M S G R E Y , called as a  
20 witness on behalf of the People of the State of New York,  
21 having been duly sworn, was examined and testified, under  
22 oath, as follows:

23 DIRECT EXAMINATION BY MR. FITZPATRICK:

24 Q Kelly, good afternoon. Thank you for waiting so  
25 patiently. Would you tell the jury, please, your full name?